Exhibit 1

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January 9, 2006

VIA EMAIL

Chad J. Peterman
Patterson Belknap Webb & Tyler LLP
1133 Avenue of the Americas
New York, NY 10036-6710

Bradley J. Demuth
Cadwalader, Wickersham & Taft LLP
One World Financial Center
New York, NY 10281

Re: *In re: Tricor Antitrust Litigation*

Dear Chad and Brad:

I write regarding the various discovery issues raised in Brad's letter of last Thursday.

First, let me address the scope of production. In the hearing before Judge Jordan on November 14, Judge Jordan ordered Impax to produce "revenue models associated with and your production models across your product line." *See* Transcript, 11/14/2006, at 15:19-20. We have long since provided this information, both in terms of supplemental production and unredacted production of the over 57,000 pages you previously requested. There are no gaps in Impax's production of revenue and production models, as you suggest. We've provided you with company-wide forecasts going back throughout the relevant period along with hundreds (if not thousands) of other documents regarding revenue and production. Nevertheless, we are in the final stages of supplementing our production with additional strategic planning documents, certain Board materials, and company presentations. Your continuing requests are nothing more than an effort to turn discovery into a never-ending process and cause further delay.

I would note that our production far exceeds Abbott and Fournier's. First, you have admitted that you've never produced any Board of Directors materials. Your position—that your production does not have so-called "gaps"—doesn't diminish Board documents' relevance nor does it vitiate your obligation to produce such documents. Second, by demanding production and revenue models at a late stage, you have effectively obtained a discovery supplementation from Impax, which has now provided very recent documents to you. By contrast, you have never supplemented your discovery responses.

Second, although we have no obligation to provide it and have not received any similar information from Abbott or Fournier, I set forth below a list of materials that Impax has produced since Judge Jordan's November 14 Order with corresponding production ranges. This

list does not cover documents we produced last Friday. We'll send a subsequent list with those documents:

1. Various Board of Directors presentations regarding manufacturing capacity analysis (IMPAX684987-IMPAX685030, IMPAX697221-IMPAX701039, IMPAX745975-IMPAX745986, and IMPAX747741-IMPAX747756);

2. Operations updates provided to the Board of Directors between 2002 until the commencement of monthly company reports in 2004 (IMPAX755314-IMPAX755377 and IMPAX806781-IMPAX806823);

3. Monthly sales and marketing reports to the extent they exist (IMPAX755378-IMPAX802557);

4. Monthly manufacturing reports to the extent they exist (IMPAX736638-IMPAX750811);

5. Monthly company reports to the extent they exist (IMPAX736638-IMPAX750811);

6. Production plan documents (IMPAX802562-IMPAX806780 with additional production plan information contained within IMPAX736638-IMPAX750811);

7. Product launch updates (IMPAX755294-IMPAX755313 and IMPAX806826-IMPAX807090 with additional product launch information contained within IMPAX736638-IMPAX750811); and

8. Pages from your October 10 list in unredacted form (IMPAX684910-IMPAX736637).

In addition, since November 1, 2006 we have produced various documents removed from our privilege log (IMPAX750812-IMPAX755293, IMPAX802558-IMPAX802561 and IMPAX807091-IMPAX809129) as well as an October 17, 2001 letter to counsel regarding Impax fenofribrate samples (IMPAX806824-IMPAX806825).

Regarding the documents you sought in unredacted form, we produced some additional documents last Friday. I address the documents on that list below:

1. IMPAX000001-012, 000272-277, 000866-876, 000877-887, 000888-898, 000899-909, 000923-933, 000955-964. These were document we produced to the FTC, in redacted form. Although we had no obligation to do so, we've produced these documents in unredacted form.

2. IMPAX081974, 113779, 157352, 195312-325, 516085, and 521671-672 were not redacted originally, so we have not re-produced them.

3. IMPAX458509-529 were reproduced at IMPAX736380-416.

4. IMPAX337755-883.1 are organizational charts. The Court has not ordered us to produce these documents unredacted, nor have we agreed to. Moreover, you've not demonstrated any need for receiving unredacted information about lower-level employees. You asked numerous questions about these charts at multiple depositions with having any issues with them.

5. IMPAX047471-472, 047473-474, 164826-897, 177604-605, 176627-630, 204112-113, 209882-887, 395651-663, 460721-723, and 465976-6021 had technical problems and were re-produced on Friday.

6. IMPAX113964-4128, 157353-354, and 157976-8567 had technical problems and will be re-produced shortly.

Except for two documents, the documents relied on in Greg Leonard's report to which you refer are reports generated by Impax and provided to him for purposes of his report. These were all recently created documents. (As noted earlier, our production actually covers far more recent documents than yours.) As to the other two documents: one (IMPAX-LEONARD 000001) is standard cost data regarding Impax's generic fenofibrate capsule that Dr. Leonard relied on in generating his report. The other (IMPAX-LEONARD 000005) is an Impax evaluation of other generic companies that is not responsive to any of your requests outside of its use by Dr. Leonard in his report.

With regard to outside counsel only designations, Judge Jordan made it clear at the November 14 hearing that the tradeoff for Defendants receiving information that goes beyond fenofibrate was their agreement to an outside counsel only designation for the supplemental production. Abbott's disingenuous attempt to claw back that protection, which Judge Jordan rejected, does not justify requiring Impax to lower its confidentiality designation. Moreover, as I noted above, Fournier and Abbott have, under the guise of the November 14 Order, demanded production of documents that far exceed that order's scope. Rather than contest these requests, Impax has chosen to produce them under the outside counsel only designation to avoid dispute, as Judge Jordan suggested in his November14 order. The same is true for documents removed from the privilege log, many of which are offering memoranda or other documents that have little, if anything, to do with fenofibrate. If you'd prefer, we can take back the documents we've produced under the outside counsel only designation and make a very limited production of materials actually responsive to the November 14 Order. These would still be outside counsel only, but the volume would be much more limited.

I've addressed your position regarding 30(b)(6) depositions in prior letters and will not re-address it here, except to say that the supposed problem is one of Defendants' own making that was clearly generated in an attempt to justify delay.

Sincerely,

ASIM M. BHANSALI

AMB/gap

cc: Mary B. Graham
Anne Shea Gaza
Christopher T. Holding
Joseph T. Lukens
Mary Matterer
Adam Steinfeld
Jonathan Parshall

Exhibit 2

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

IN RE: TRICOR DIRECT PURCHASER ANTITRUST LITIGATION	
THIS DOCUMENT RELATES TO: ALL ACTIONS	Civil Action No. 05-340 (KAJ)

DIRECT PURCHASER PLAINTIFFS'
FIRST SET OF REQUESTS FOR ADMISSION AND RELATED INTERROGATORIES

Pursuant to Rules 26 and 36 of the Federal Rules of Civil Procedure, Plaintiffs request that Defendants Abbott Laboratories, Fournier Industrie et Santé, and Laboratories Fournier S.A. (collectively, "Defendants") answer each of the following requests for admission and Interrogatory, in accordance with the Definitions and Instructions set forth below, within (30) days of service hereof.

Definitions

1. "Abbott" means Abbott Laboratories and any predecessor or successor company, and any corporation or other business entity subsidiary to, or affiliated with Abbott.

2. "Fournier" means Fournier Industrie et Santé, Laboratories Fournier S.A., and any predecessor or successor company, and any corporation or other business entity subsidiary to, or affiliated with Fournier Industrie et Santé or Laboratories Fournier S.A.

3. "Teva" means Teva Pharmaceuticals USA, Inc. and/or Teva Pharmaceutical Industries, Ltd.

4. "Lofibra®" means the branded products manufactured and sold by Teva that contain fenofibrate as an active ingredient.

5. "TriCor® capsules" means the branded capsules marketed by Abbott that contain fenofibrate as an active ingredient.

6. "TriCor® original formulation tablets" means the branded tablets manufactured marketed by Abbott that contain 54 mg or 160 mg of fenofibrate as an active ingredient.

7. "TriCor® replacement formulation tablets" means the branded tablets marketed by Abbott that contain 48 mg or 145 mg of fenofibrate as an active ingredient.

8. "E-mail" means email or electronic mail.

9. "Fenofibrate" means the organic compound commonly known as fenofibrate.

10. "Concerning" means containing, constituting, evidencing, referring to, relating to, discussing, or prepared, considered, presented, or consulted in connection with, or resulting from, the matter.

11. "Document" means all materials, data, and things within the scope of Fed. R. Civ. P. 34, and includes without limitation any writing, report, memorandum, file, minutes, communication, computer transmission, e-mail, correspondence, calendar, notes, notebook, diary, data sheet, work sheet, recording, tape, drawing, graph, index, chart, telephone record, photograph, photographic record, PowerPoint presentation, slide, other data compilation of any other written, recorded, transcribed, punched, taped, filed or other graphic material including any draft of the foregoing items and any copy or reproduction of any of the foregoing items upon which any notation, work, figure or form is recorded or has been made which does not appear on the original, or as to whose existence, either past or present, the responding party has any knowledge or information.

12. "You" shall mean Abbott and/or Fournier.

13. The connectives "and" and "or" shall be construed either in the disjunctive or the conjunctive, so as to bring within the scope of the discovery request the broadest range of documents and information. Likewise, the past tense shall be construed to include the current, and vice versa, and the singular shall be construed to include the plural, and vice versa, all so as to bring within the scope of the discovery request the broadest range of documents and information.

Instructions

1. Each request is to be answered separately under oath and under the penalties of perjury.

2. The information sought in these requests includes all information that is known or is available to you, including all information in the possession of, or under the control of, your present and former officers, directors, employees, attorneys, agents, representatives, parent, subsidiaries, affiliates, assignees, predecessors in interest, successors in interest, and anyone acting or purporting to act on its behalf.

3. Any objection to any request or subpart thereof on the basis of a claim of privilege (including work product) shall comply with Federal Rule 36(a). Any objection to any request or subpart thereof on the basis of a claim other than privilege shall be stated with specificity in compliance with Federal Rule 36(a). Any ground not stated shall be waived.

4. If any request cannot be admitted or denied in full, you must: (i) admit or deny the request to the extent possible, specifying the portions of the request that are being admitted and/or denied; (ii) specify any portion of the request that you claim you are unable to answer fully; (iii) provide a complete and detailed explanation as to why a full answer is not possible;

and (iv) state what knowledge, information, or belief you have concerning any unanswered portion of the request.

5. If any request is not answered on the grounds that you do not have sufficient information or knowledge to admit or deny the request, you must: (i) describe with specificity the inquiry and investigation you undertook in your attempt to obtain the information or knowledge necessary to answer the request; (ii) describe the information or knowledge that you believe would be necessary in order to admit or deny the request; and (iii) explain with specificity why you have been unable to obtain the information or knowledge that you believe would be necessary in order to admit or deny the request.

6. These requests shall be deemed continuing, requiring you to supplement your responses promptly and in accordance with Rule 26(e) of the Federal Rules of Civil Procedure. Such supplemental responses are to be served as soon as is reasonably possible after the need therefore is determined.

REQUESTS FOR ADMISSION

Request for Admission No. 1: For each document referenced by bates numbers and descriptions on the list below

i. The document or documents are true and authentic copies of what they purport to be;

ii. The document or documents were created routinely in the ordinary course of business by an employee of Fournier/Abbott;

iii. The document or documents were created by an employee whose routine duties included the creation of such document or documents;

iv. The document or documents were created by an employee who had personal knowledge of the subject matter contained in the document or documents;

v. The document or documents were generated or received in the normal course of business of Fournier/Abbott;

vi. The document or documents were maintained as a business record by Fournier/Abbott.

Doc. #	Bates Nos.	Document Description
1.	Abbott/Teva 06635-62	Fournier's Lipidil: A US Licensing Opportunity Opportunity Assessment dated August 14, 1997
2.	Abbott/Teva 07112-88	License, Development, and Supply Agreement
3.	ABBOTT_TRICOR00000127-35	Pharmaceutical Products Division, Cardiology Franchise Summary 2003 Update
4.	ABBOTT_TRICOR00000207-20	Tricor – Incremental Funding and Reorganization March 2003
5.	ABBOTT_TRICOR00000221-31	Tricor/Lofibra Market Update, dated November 2003
6.	ABBOTT_TRICOR00000254-406	U.S. Tricor Marketing Review, dated April 22, 2003
7.	ABBOTT_TRICOR00000407-40	Tricor Fenofibrate Incursion Analysis
8.	ABBOTT_TRICOR00000520-84	Tricor Business Review Meeting, June 2003
9.	ABBOTT_TRICOR00000871-78	Abbott/Fournier TriCor Formulation & Risk Sharing Meeting Minutes, Chicago May 16, 2002
10.	ABBOTT_TRICOR00000896-907	Tricor Generic Impact
11.	ABBOTT_TRICOR00000922-28	Generic Fenofibrate Overview
12.	ABBOTT_TRICOR00000935-52	TriCor Fenofibrate Incursion Analysis
13.	ABBOTT_TRICOR00001197-1213	Tricor Fenofibrate Incursion Analysis
14.	ABBOTT_TRICOR00001243-46	PPG Life Cycle Management Award Program Nomination Form
15.	ABBOTT_TRICOR00001239-42	2004 PPD Pace Awards Nomination Form
16.	ABBOTT_TRICOR00001472-75	Evolution of NFE Generic Entry Assumptions
17.	ABBOTT_TRICOR00001814-15	NFE Patent Impact
18.	ABBOTT_TRICOR00001895-96	Document with first page with heading "Evolution of NFE Generic Entry Assumptions"
19.	ABBOTT_TRICOR00002751-864	Tricor (fenofibrate tablets) Tablet Launch Meeting DM Guide
20.	ABBOTT_TRICOR00003659-885	Tricor 145 Launch Update, dated June 2004
21.	ABBOTT_TRICOR00004470-95	Retail Pharmacist In-depth Interviews TriCor Abbott Laboratories #SY4327 July 29, 2004
22.	ABBOTT_TRICOR00004510-51	TriCor Managed Care Marketing Update

23.	ABBOTT_TRICOR00004578-663	New Tricor Formulation Opportunity Exploration Final Report March 2003
24.	ABBOTT_TRICOR00005151-215	Tricor Business Review Meeting June 2003
25.	ABBOTT_TRICOR00005552-84	Tricor Fenofibrate Incursion Analysis
26.	ABBOTT_TRICOR00005623-32	Document with first page with heading "As TriCor matures, the importance of lifecycle management increases"
27.	ABBOTT_TRICOR00005633-58	Tricor Generic Impact May 2, 2002
28.	ABBOTT_TRICOR00005633-58	Tricor Generic Impact May 2, 2002
29.	ABBOTT_TRICOR00005670-707	Anti-Infectives Products Division 2003-2007 LRP Executive Review December 18, 2002
30.	ABBOTT_TRICOR00005802-51	TriCor 2003 LRP February 2003
31.	ABBOTT_TRICOR00006391-404	Tricor Tablets to Tricor NFE
32.	ABBOTT_TRICOR00006405-13	Tricor 2004
33.	ABBOTT_TRICOR00006414-48	2004 Plan, dated October 2003
34.	ABBOTT_TRICOR00006853-90	Tricor 2003 Review March 2003
35.	ABBOTT_TRICOR00008563-87	Cardiovascular Franchise: TriCor (fenofibrate) Life Cycle Management JDC November 2002
36.	ABBOTT_TRICOR00008588-96	Lifecycle Management Overview November 2002
37.	ABBOTT_TRICOR00008597-636	Cardiovascular Franchise: TriCor (fenofibrate) Life Cycle Management JDC November 2002
38.	ABBOTT_TRICOR00010794-803	Lifecycle Management Overview November 2002
39.	ABBOTT_TRICOR00011207-34	TriCor
40.	ABBOTT_TRICOR00011235-53	TriCor Reformulation No Food Effect project, STAT Meeting, dated September 25, 2002
41.	ABBOTT_TRICOR00011360-72	Document with first page redacted, second page with heading "TriCor Patent Status"
42.	ABBOTT_TRICOR00011474-91	TriCor Mini-TEC, dated May 15, 2003
43.	ABBOTT_TRICOR00011492-507	TriCor Mini-TEC, dated April 7, 2003
44.	ABBOTT_TRICOR00011568-95	TriCor Reformulation; No Food Effect Project; STAT meeting, dated August 20, 2002
45.	ABBOTT_TRICOR00013125-75	Cardiovascular Franchise: Tricor (fenofibrate) Life Cycle Management September 2002
46.	ABBOTT_TRICOR00014835-72	Outpatient CV Global Long Range Strategy

		Review March 2003
47.	ABBOTT_TRICOR 00014932-80	Tricor Review April, 2003
48.	ABBOTT_TRICOR00015028-49	TriCor Mini-TEC May 15, 2003
49.	ABBOTT_TRICOR00016561-50	Fenofibrate Lifecycle Management
50.	ABBOTT_TRICOR000016868-937	Dyslipidemia Global Long Range Strategy Review February, 2004
51.	ABBOTT_TRICOR00017177-80	Memorandum from James Stolzenbach, dated May 6, 2004
52.	ABBOTT_TRICOR00017282-83	E-mails re: TriCor Formulation Funding Request, dated January 29, 2002
53.	ABBOTT_TRICOR00017293	E-mails re: Fenofibrate Formulations, dated August 24, 2001 and August 25, 2001
54.	ABBOTT_TRICOR00017294-99	Fenofibrate – Formulation Review Technology review for a next-generation TriCor
55.	ABBOTT_TRICOR00017301-14	E-mails re: TriCor Update dated July 2, 2001; with attachment: TriCor Update 7/03/01
56.	Abbott_Tricor00017564-66	E-mails re: TriCor 2004 Generic Waterfall, dated March 27, 2003; with attachment: TriCor Waterfall
57.	ABBOTT_TRICOR00054925-52	Rule 26(a)(2)(B) Expert Witness Report of Douglas R. Flanagan, Jr.
58.	ABBOTT_TRICOR00056240-42	E-mail re: FINAL DRAFT FOR REVIEW - TriCor/Reliant - HDL Indication, dated July 16, 2005; with attachment: re: TriCor (fenofibrate) Capsules, NDA 19-304 Antara (fenofibrate) Capsules, NDA 21-695
59.	ABBOTT_TRICOR00056423	E-mail re: Elan NFE Formulation and Amendment 7, dated September 29, 2002
60.	ABBOTT_TRICOR00056765-78	Document with heading on first page: Current Environment
61.	ABBOTT_TRICOR00056965-99	TriCor Tablet Task Force Launch Update dated May 31, 2001
62.	ABBOTT_TRICOR00057180-87	Pharmaceutical Products Division 2001 April Update Key Product P&L Urology /Cardiology
63.	ABBOTT_TRICOR00057196-202	Urology/Cardiology Franchise TriCor Issues Summary
64.	ABBOTT_TRICOR00057346-49	Equivalency of New Tablet Formulation Compared with Capsule Formulation
65.	ABBOTT_TRICOR00065788-93	TriCor EZ launch plan (fenofibrate 145 mg and 48 mg tablets)
66.	ABBOTT_TRICOR00070723-36	TriCor NFE Trade Launch Plan, dated October 1, 2003

67.	ABBOTT_TRICOR00086393-403	Tricor NFE Trade Launch Plan, dated March 31, 2004
68.	ABBOTT_TRICOR00066166-70	PPD Strategic Spending Initiative
69.	ABBOTT_TRICOR00075741-51	PPD Strategic Spending Initiative
70.	ABBOTT_TRICOR00082489-96	PPD Strategic Spending Initiative
71.	ABBOTT_TRICOR00082497-501	PPD Strategic Spending Initiative
72.	ABBOTT_TRICOR00085046-50	E-mail re: TriCor – force Conv, dated August 5, 2004; with attachment: TriCor 145 Trade Launch Plan With Forced Conversion Assumptions August 5, 2004
73.	ABBOTT_TRICOR00086863-64	Memorandum re: October Monthly Highlights, October 23, 2002
74.	ABBOTT_TRICOR00087856-924	TriCor Tablet Task Force Launch Update, dated May 31, 2001
75.	ABBOTT_TRICOR00089208-409	TriCor 2004 Marketing Plan Own the Zone December 12, 2003
76.	ABBOTT_TRICOR00097751-85	Tricor Status Update May 12, 2005
77.	ABBOTT_TRICOR00098644-46	E-mails re: Antara Obj Handler, dated April 14, 2005; with attachment: Concern Handler
78.	ABBOTT_TRICOR00114488-500	Why TriCor?
79.	ABBOTT_TRICOR00120376	Document with heading "Response to Press Release on Teva and Impax Approval for Fenofibrate 160 and 54 mg"
80.	ABBOTT_TRICOR00136048-60	TriCor NFE Trade Launch Plan, dated September 30, 2003
81.	ABBOTT-TRICOR00136138-41	Abbott PPD/Kroger Pharmacy Strategy Teleconference Agenda October 22, 2003
82.	ABBOTT_TRICOR00136818-29	E-mails re: Meeting on Tab Conversion 7 14, dated July 7 2000 and July 10, 2000; with attachment: TriCor Tablets July 2000
83.	ABBOTT_TRICOR00138750-807	Tricor 145 Launch Update, dated July 2004
84.	ABBOTT_TRICOR00143895-903	E-mail re: Meeting with Fournier on 10/21, dated October 16, 2003; with attachment: Tricor EZ Launch Meeting Supply Chain and Operations Draft Agenda October 21, 2003
85.	ABBOTT_TRICOR00146466-76	TriCor Tablet Launch Plan
86.	ABBOTT_TRICOR00146680-83	Emails re: Tricor questions, dated March 9, 2001 to March 27, 2001
87.	ABBOTT_TRICOR00146831-42	Trade - Tricor NFE Launch Plan, dated October 15, 2004

		15, 2004
88.	ABBOTT_TRICOR00152163-67	E-mails re: Pharmacists survey results, dated April 4, 2000; with attachment: TriCor Pharmacist Survey
89.	ABBOTT_TRICOR00153668	Emails re: Tricor Capsule Inventories/Sales activity, dated November 12, 2001
90.	ABBOTT_TRICOR00157647-52	Retail Settlement Executive Summary
91.	ABBOTT-TRICOR 00165239-49	TriCor JDC Meeting Minutes & Key Action Items December 2 and 3, 2003
92.	ABBOTT_TRICOR00167022-36	Document with the heading on the first page: "Why use Simva and Pravacol instead of just Lipitor and Crestor?"
93.	ABBOTT_TRICOR00168325-407	Dyslipidemia Global Long Range Strategy Review, dated May 2004
94.	ABBOTT_TRICOR00194617-618	E-mails re: URGENT- FIELD - Tricor-Exclusivity for new indications - Sponsor Performed?, dated May 3, 2004
95.	ABBOTT-TRICOR 00205417-32	Draft 2 September 2004 TriCor JDC Meeting Minutes & Key Action Items
96.	ABBOTT_TRICOR00208840-43	E-mails re: Response Requested: Synthroid and Tricor Info, dated March 29, 2004
97.	ABBOTT_TRICOR00211773-76	Document with heading "TriCor Messages"
98.	ABBOTT_TRICOR00212626-31	Document with heading "For Internal Use Only – Do Not Distribute"
99.	ABBOTT_TRICOR00219427-30	Strategic Tricor Action Team (STAT) Committee Meeting Minutes, dated September 25, 2002
100.	ABBOTT_TRICOR00224929–953	E-mails re: CV LRP, dated December 6, 2002; with attachment: Outpatient Cardiovascular 2003-2007 LRP Executive Review December 6, 2002
101.	ABBOTT_TRICOR00228562-82	TriCor (fenofibrate) Life Cycle Management, dated September 2002
102.	ABBOTT_TRICOR00233440-79	RM/DM Meeting, Mary Szela, dated May 13, 2002
103.	ABBOTT_TRICOR00234475-76	E-mails re: Tricor - Elan/Fournier/Abbott In-License, dated October 21, 2002
104.	ABBOTT_TRICOR00237336–92	Hypertension Franchise: TARKA Global Long Range Strategy Review May 2004
105.	ABBOTT_TRICOR00239119	E-mails re: What does this mean if anything John...thanks, Rick, dated May 31, 2004

106.	ABBOTT_TRICOR00245578-83	E-mails re: URGENT: Need updated Project Classifications for Oct. 19th PEC Prioritization Meeting, dated October 10, 2002; with attachment: Marketed Product Projects Sales Characterization: Sales Growth vs. Sales Loss Avoidance
107.	ABBOTT_TRICOR00250227-55	2004 Board of Directors Meeting Global Pharmaceutical Strategy
108.	ABBOTT_TRICOR00250436-99	E-mail re: Latest Tricor LRP – still awaiting JML feedback; with attachment: Tricor 2003 LRP February 2003
109.	ABBOTT_TRICOR 256894-96	E-mails re: Tricor, dated October 22, 2002 and October 23, 2002; with attachment: letter from John Leonard to Dr. Joerg Breitenbach, dated October 22, 2002
110.	ABBOTT_TRICOR00261064-069	E-mails re: Ready to Send: Text for Reliant/Fenofibrate Letter, dated August 1 and August 8, 2005, with attached drafts
111.	ABBOTT_TRICOR00263143-227	Dyslipidemia Franchise LRP Strategy April 13, 2005
112.	ABBOTT_TRICOR00263779-99	E-mails re: Discuss the strategy regarding Cipher FDA letter v. Citizen's Petition options, dated April 1, 2004 and March 12, 2004 with attached charts
113.	ABBOTT_TRICOR00269328-429	Fenofibrate Clinical Data Summary and Results of Statistical Analysis, Dated June 24, 1999
114.	ABBOTT_TRICOR00270661-666	E-mails re: Cipher letter-PK edits/suggestions, dated April 9, 2004, April 13, 2004, April 20, 2004 and April 21, 2004
115.	ABBOTT_TRICOR00273637-640	E-mails re: Cipher generic effort, dated March 9, 2004, March 10, 2004, March 11, 2004
116.	ABBOTT_TRICOR00273683-695	Outpatient CV Global Long Range Strategy Review, March 2003
117.	ABBOTT_TRICOR00277879-916	2006 Strategic Marketing Plan
118.	ABBOTT_TRICOR00278131-44	Urology/Cardiology Franchise TriCor Issues Summary
119.	ABBOTT_TRICOR00278145-58	Urology/Cardiology Franchise TriCor Issues Summary
120.	ABBOTT_TRICOR00278536-74	Document with heading "Mike" on first page
121.	ABBOTT_TRICOR00294106-07	Lofibra:What we know
122.	ABBOTT_TRICOR00294142	Tricor Table and Conversion Strategy

123.	ABBOTT_TRICOR00294172-81	Tricor (fenofibrate tablets); with attachments: promotional documents
124.	ABBOTT_TRICOR00294555-67	TriCor Capsule Inventory Wholesale and Retail Overview
125.	ABBOTT_TRICOR00296896-900	Managed Heath Care TriCor Generic
126.	ABBOTT_TRICOR00296775-818	6/13/01 TriCor Tablet Launch Update
127.	ABBOTT_TRICOR00307078-111	Tricor Conversion to Tablets Communications Assessment –Final Report – September 24, 2001
128.	ABBOTT_TRICOR00308490-05	Hytrin Capsule Launch Power Point
129.	ABBOTT_TRICOR_DS-001	Tricor Direct Sales 1998-2005
130.	ABBOTT_TRICOR_IDS_001	Tricor Indirect Sales 1998-2005
131.	Tricor Data - 001	Abbott's Tricor Sales Data
132.	FOURNIER/FTC 0000077-82	Abbott-Fournier Joint Generic Fenofibrate Meeting Monday, September 28th, 1998 Chicago Abbott Park
133.	FOURNIER/FTC 0000120-56	Environmental Analysis USA
134.	FOURNIER/FTC 0000278-84	Abbott Fournier Tricor Joint Development Committee (JDC) Meeting Minutes, Abbott Park, Illinois September 7, 2000
135.	FOURNIER/FTC 0000465	Letter from Bernard Helain to Arthur Higgins, dated July 7, 2000
136.	FOURNIER/FTC 0000479-91	Abbott/TriCor, Profile & Overview of Performance, Briefing document for Mr. H. Le Lous March 2002
137.	FOURNIER/FTC 0000493-496	Letter from Linda Burnett to Lance Boyett, dated May 27, 1999 with attachment
138.	FOURNIER/FTC 0000597	E-mail re: survey, dated September 9, 2002
139.	FOURNIER/FTC 0000624	Facsimile from Alain Munoz, dated July 1, 1999
140.	FOURNIER/FTC 0000645–82	Integrated Safety Summary
141.	FOURNIER/FTC 0000768	E-mail string re: Superfeno: Pre-NDA Meeting Minutes, dated September 9, 1999
142.	FOURNIER/FTC0000806-07	To: Abbott Laboratories as NDA Holder (NDA 19-304) Jacobsen, Price, Holman & Stern as U.S. Agent for Patent Owner Fournier Industrie et Sante Notice of Certification Under 21 CFR § 314.94(a)(12)
143.	FOURNIER/FTC 0000817-18	E-mail cover and draft letter from G. John Mohr to Robert Weiland, dated July 21, 1998
144.	FOURNIER/FTC 0000819	E-mail re: Fenofibrate generics – Apotech, dated July 6, 1998
145.	FOURNIER/FTC 0002160	FDA Contact Report, January 28 and 29, 2002
146.	FOURNIER/FTC 0002162-63	E-mails re: Tricor Indication, dated December 13, 2001

147.	FOURNIER/FTC 0002515-16	E-mails re: Review of Future US market events dated September 12, 1998 and September 15, 1998 with attachment
148.	FOURNIER/FTC0002746	E-mails re: Final Minutes: Supply Mtg 10/21/03 dated November 10, 2004, November 24, 2003, with attachment: MINUTES: TriCor EZ Supply Meeting October 21, 2003
149.	FOURNIER/FTC 0004428-33	Handwritten notes, Meeting Minutes Tricor Generic Meeting
150.	FOURNIER/FTC 0004442–45	Handwritten notes, Meeting Fenofibrate & Generics
151.	FOURNIER/FTC 0004446-47	Abbott-Fournier Joint Generic Fenofibrate Meeting Monday, September 28th, 1998 Chicago Abbott Park
152.	FOURNIER/FTC 0004449-54	Tricor Generic Strategy Meeting November 13, 1998 – Abbott Park
153.	FOURNIER/FTC 0004460-66	Facsimile cover sheet dated November 24, 1998 from Gill Hodkinson to John Mohr enclosing Tricor Generic Strategy Meeting November 13, 1998 – Abbott Park
154.	FOURNIER/FTC 0004467-504	Groupe Fournier Briefing Document, Abbott Meeting August 27, 1998
155.	FOURNIER/FTC 0004505-07	Confidential - Draft Fenofibrate: Industrial Property Summary and History
156.	FOURNIER/FTC 0004512–13	Memorandum re: Point de la Situation Fenofibrate – Etats Unis – TriCor, dated February 26, 1998
157.	FOURNIER /FTC 0004517-67	E-mails re dated April 18, 2005; with attachment: Antara Action Plan April 8, 2005
158.	FOURNIER/FTC 0004595	Emails re: Reflexion Territoire US, dated October 13, 1998
159.	FOURNIER/FTC 0004627-32	Abbott/Fournier Meeting Tricor Strategic Discussion Meeting Minutes Abbott Park, - April 22nd & 23rd, 1999
160.	FOURNIER/FTC 0004633-46	Handwritten notes Tricor Meeting, April 22nd
161.	FOURNIER/FTC 0005246-56	Revised P&L TriCor (fenofibrate) Projected Revenue & Net Income
162.	FOURNIER/FTC 0005289-300	Memorandum re: Monthly Report – April 1998
163.	FOURNIER/FTC 0005302-08	Section 2: Commercial Activities
164.	FOURNIER/FTC 0005330-50	TriCor: US Market Data
165.	FOURNIER/FTC 0005385-410	VECU-USA SPI Meeting March 1999
166.	FOURNIER/FTC 0005411-60	The Lipidil Opportunity in the US
167.	FOURNIER/FTC 0005461–66	Memorandum re: Pre-Launch Marketing Lipidil US, February 27, 1 96

		US, February 27, 1996
168.	FOURNIER/FTC 0005517-50	USA Update Key Issues & Actions March 27th Meeting Dijon, France
169.	FOURNIER/FTC 0005541-5649	US PMT 2000/1 "Upsides & Uncertainty" Fournier US Planning Meeting May 2000 Prepared By: Oonagh. Olivier, Lance and John
170.	FOURNIER-AT012982-84	ABT-799 Study No. M98-962 R&D/99/146 – Clinical/Statistical 2.0 Study Synopsis
171.	FOURNIER-AT121902	Letter from Marilou Reed to Food and Drug Administration, dated April 24, 2000
172.	FOURNIER-AT122156-57	Minutes of Meeting with the Division of Metabolic and Endocrine Drugs, dated September 7, 1999
173.	FOURNIER-AT121885-886	Letter from Marilou Reed to Food and Drug Administration, dated August 22, 2000
174.	FOURNIER-AT121887-888	Letter from Marilou Reed to Food and Drug Administration, dated August 22, 2000
175.	FOURNIER-AT128530-43	Handwritten notes dated March 20, 2002
176.	FOURNIER-AT128886-88	Facsimile from A. Munoz to Robert Altman, dated May 21, 1999; enclosing Minutes of the teleconference meeting May 6, 1999
177.	FOURNIER-AT128891	Letter from Robert Altman to G. John Mohr, dated May 7, 1999
178.	FOURNIER-AT128892-903	Abbott/Fournier Meeting, Tricor Strategic Discussion Meeting Minutes April 22-23, 1999
179.	FOURNIER-AT128905-07	Fournier/Abbott Teleconference TriCor Meeting Minutes New York, -February 23, 1999
180.	FOURNIER_AT 129011–129060	Amendment 3; Letter from Robert Altman to Alain Munoz, dated September 29, 1999; Amendment 4; Amendment Number 5; Letter from Robert Altman to Bernard Helain, dated December 13, 2001; Amendment Number 7 to the Fournier-Abbott Licensing Agreement
181.	FOURNIER-AT130182–232	Fournier International Clinical Meeting Strategic Action Plan Fenofibrate 2002-2008 Klaus Kirchgassler
182.	FOURNIER-AT131484–506	Tricor/Lipanthyl Overview 29 October 2002
183.	FOURNIER-AT131664–66	Tricor Generic Update Confidential Attorney/ Client Privilege Information as of June 17th 2002
184.	FOURNIER-AT131916-19	Strategic TriCor Action Team (STAT) Committee Meeting Minutes, September 25, 2002
185.	FOURNIER-AT134118-42	Tricor Reformulation No Food Effect, dated August 15, 2002

		August 15, 2002
186.	FOURNIER-AT134440-49	Fenofibrate: International Status
187.	FOURNIER-AT133538-637	Strategic Action Plan Fenofibrate 2001-2005 - Strategic Seminar, June 28, 2001
188.	FOURNIER-AT133638-78	Strategic TriCor Action Team (STAT) Initial Meeting Agenda, dated April 18, 2002
189.	FOURNIER-AT134002–27	Feno 145 NFE Clinical Trials Fournier-Abbott DC, Dec. 2, 2003
190.	FOURNIER-AT134087-117	Fournier Pharma FenoPenta Project Draft
191.	FOURNIER-AT134440-49	Fenofibrate: International Status, dated December 2002
192.	FOURNIER-AT136829-32	Penta Project Summary and Investment Recommendation
193.	FOURNIER-AT137779-819	TriCor Strategic TriCor Action Team (STAT) Initial Meeting Agenda A New Level of Partnership and Commitment April 18, 2002
194.	FOURNIER-AT139216	Analysis of Impax fénofibrate capsules
195.	FOURNIER-AT141071-134	Strategic Action Plan Fenofibrate 2002-2008
196.	FOURNIER-AT148577-79	Emails re: Fenofibrate - Timeline for RTP Pharma NDA, dated Sept. 25, 2001
197.	FOURNIER-AT150847 – 82	Tricor Update January 14, 2004
198.	FOURNIER-AT150948-50	Fenofibrate Success Story: Executive Summary
199.	FOURNIER-AT151362-389	Tricor Reformulation No Food Effect project STAT meeting August 20th, 2002
200.	FOURNIER-AT153082–113	Update on Penta market research K.U. Kirchgassler April 19, 2004
201.	FOURNIER-AT154855-58	Fenofibrate (ABT-799) M02-558 Clinical Study Report R&D/03/470 2.0 Synopsis
202.	FOURNIER-AT157257–66	Penta: Fenofibrate No Food Effect Can we demonstrate a relevant and significant clinical advantage?, dated January 21, 2003
203.	FOURNIER-AT158921-22	Emails re: Interaction studies, dated December 3, 2002
204.	FOURNIER-AT159321-78	Project Development Plan, Project "Penta" Fenofibrate October 2002, dated October 2002
205.	FOURNIER-AT159536-89	Project Development Plan, Project "Penta" Fenofibrate October 2002, dated October 2002
206.	FOURNIER-AT159701-54	Project Development Plan, Project "Penta" Fenofibrate October 2002, dated October 2002

207.	FOURNIER-AT161553–55	E-mails re: Record of contact with FDA – fenofibrate, dated April 1, 2002, April 2, 2002, April 7, 2002 and April 8, 2002
208.	FOURNIER-AT 175920-41	Memorandum re: Meeting with Abbott Laboratories, dated January 16, 1998; with attachment: Project Tricor Meeting Report dated January 14, 1998; and with attachment: Groupe Fournier Fenofibrate Premarketing Program and additional attachments
209.	FOURNIER-AT175942-43	E-mails re: Super feno dated March 10, 1999 and March 11, 1999
210.	FOURNIER-AT176011-35	Minutes of the Abbott-Fournier Meeting held in Daix – Feb. 12th and 13th, 1998 - FINAL
211.	FOURNIER-AT176036-37	Memorandum re: Meeting August 27, 1998 – Chicago, dated September 7, 1998; handwritten note from Bernard Majoie
212.	FOURNIER-AT176038-39	Letter dated September 10, 1998 from Arthur Higgins to Bernard Majoie
213.	FOURNIER-AT176053-62	Meeting Minutes ABBOTT-FOURNIER Joint Development Committee Marriott Lincolnshire Resort Lincolnshire, Illinois March 12 and 13, 1998
214.	FOURNIER-AT176068-77	Handwritten notes dated November 14, 2000
215.	FOURNIER-AT176079-85	Abbott/Fournier Meeting Tricor Strategic Discussion Meeting Minutes Abbott Park, - April 22nd & 23rd, 1999
216.	FOURNIER-AT176986-90	Abbott Fournier Tricor Joint Development Committee (JDC) Meeting Minutes Abbott Park, Illinois September 7, 2000
217.	FOURNIER-AT177474-82	Abbott-Fournier Pre-JDC meeting Stockholm June 28th, 2000
218.	FOURNIER-AT177080-99	Memorandum re: Abbott Laboratories, dated April 12, 2001; with attachment: Amendment 4 and attachment Cost Sharing Agreement.in accordance with the License, Development and Supply Agreement of December 20, 1997, as amended, (the "Agreement") between Laboratories Fournier SA ("Fournier") and Abbott Laboratories ("Abbott"); with attachment: Heads of Agreement, dated March 13, 2001
219.	FOURNIER-AT180223-72	Fenofibrate - Strategic Outlook Regional Fenofibrate Workshops 2003
220.	FOURNIER-AT185951-6024	Project Development Plan, Project "Penta" Fenofibrate October 2002

221.	FOURNIER-AT188172-73	E-mails re: FDA Feedback re: Tricor 160 mg tablets file dated September 13, 2000
222.	FOURNIER-AT188283-85	E-mails re: Development and Budget Issues - Super Feno, 134mg Capsule an, dated November 24, 1998
223.	FOURNIER-AT 189299-312	TriCor Proposal for Modifying Joint Development Committee Ideas for Continued Growth, January 2002
224.	FOURNIER-AT188955-981	Tricor Reformulation No Food Effect Project STAT Meeting Sept 25, 2002
225.	FOURNIER-AT022797-805	Expert Report, NDA 19-304, dated January 1998
226.	FOURNIER-AT188271-272	Memorandum re: Proposed TriCor Labeling, undated
227.	FOURNIER-AT188286-87	E-mails re: Tricor, dated October 5, 1998, and October 2, 1998
228.	FOURNIER 0007395-98	Memorandum re:"Compte-Rendu de la visite au Professeur STAMM à Illkirch le 9 aôut 1996"
229.	FOURNIER 0007679-81	Memorandum re: Visite Pharma PASS (Pr. Stamm), dated 26 September 1996.
230.	FOURNIER 0007677-78	Memorandum re: Milestones Feno Pharmapass, dated 17 October 1996
231.	Teva-TriCor 037788-038246	Rule 56.1 Statement in Support of Abbott/Fournier Response to Novopharm Motion for Summary Judgment and Accompanying Exhibits, Abbott Laboratories et al. v. Novopharm Limited, et al., 00C-2141, 00C-5094, and 01C-1914 (D. Ill.), dated January 22, 2002
232.	Teva-TriCor 038247-038363	Abbott/Fournier Response to Novopharm Motion for Summary Judgment and Accompanying Appendices, Abbott Laboratories et al. v. Novopharm Limited, et al., 00C-2141, 00C-5094, and 01C-1914 (D. Ill.), dated January 22, 2002
233.	Teva-TriCor 038527-038557	Abbott/Fournier's Joint Surreply to Novopharm's Motion for Summary Judgment and Accompanying Exhibits, Abbott Laboratories et al. v. Novopharm Limited, et al., 00C-2141, 00C-5094, and 01C-1914 (D. Ill.), dated February 15, 2002

Request for Admission No. 2: For each document referenced in the list by bates numbers and descriptions under Request for Admission No. 1, for which any denial is based upon an assertion that the document was not created by an employee of Abbott or Fournier

i. The document or documents are true and authentic copies of what they purport to be;

ii. The document or documents were created at the request of an employee of Fournier/Abbott routinely in the ordinary course of business;

iii. The document or documents were created at the request of an employee of Abbott or Fournier whose routine duties included the authorization to seek the creation of such document or documents;

iv. The document or documents were created by a person who had personal knowledge of the subject matter contained in the document or documents;

v. The document or documents were generated or received in the normal course of business of Fournier/Abbott;

vi. The document or documents were maintained as a business record by Fournier/Abbott.

INTERROGATORIES

1. For all documents that you admit were created by an employee or employees of Abbott or Fournier, identify the employee or employees separately for each document.

Response:

2. For documents with handwritten notations, state the identity of the author or authors of the written notations for each specific document.

Response:

Respectfully submitted,

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Company, Inc., CVS Pharmacy, Inc.,
Rite Aid Corporation and Rite Aid
Hdqtrs. Corp.

Exhibit 3

UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE

IN RE TRICOR INDIRECT PURCHASER ANTITRUST LITIGATION	C.A. No. 05-360 (KAJ) (consolidated)
THIS DOCUMENT RELATES TO: C.A. No. 05-360 (KAJ) C.A. No. 05-365 (KAJ) C.A. No. 05-390 (KAJ) C.A. No. 05-394 (KAJ) C.A. No. 05-426 (KAJ) C.A. No. 05-450 (KAJ) C.A. No. 05-467 (KAJ) C.A. No. 05-475 (KAJ) C.A. No. 05-516 (KAJ) C.A. No. 05-695 (KAJ)	

INDIRECT PURCHASER PLAINTIFFS'
FIRST REQUEST FOR ADMISSIONS FROM DEFENDANTS

Pursuant to Rules 26, 36 and 37 of the Federal Rules of Civil Procedure, Indirect Purchaser Plaintiffs ("End-Payor Plaintiffs") request that defendants Abbott Laboratories ("Abbott"), Fournier Industries et Sante, and Laboratories Fournier, S.A. (together, "Fournier" and collectively with Abbott, "Defendants"), make the following admissions within 30 days. These requests for admissions are continuing in nature and require supplemental responses to the greatest extent permitted by Federal Rule of Civil Procedure 26(e).

DEFINITIONS AND INSTRUCTIONS

1. "Abbott" and "Fournier" mean, as applicable, the Abbott, Fournier, their parents, subsidiaries, divisions or affiliates, and their officers, directors, agents, or employees.

2. The documents about which End-Payor Plaintiffs seek admissions are identified by the Bates No. used by Abbott or Fournier or other persons in connection with their production of documents in this litigation.

3. Where a document referred to is an excerpt from a larger document produced by Abbott or Fournier in this litigation or otherwise maintained by Abbott or Fournier, please respond with respect to the larger document from which the excerpt has been taken.

4. The term "identify" when used in reference to a document means the Bates No. of the document.

5. The term "identify" when used in reference to a person means the name of the person, whether the person is currently an employee of Abbott or Fournier and, if the person is not currently an employee of Abbott or Fournier, the person's last known home and business addresses.

6. "Document" or "documents" has the same meaning as assigned in the broadest interpretation of Fed. R. Civ. P. 34.

REQUESTS

REQUEST FOR ADMISSION NO. 1:

For each of the documents listed in Attachment A, admit:

a) The document was produced by Abbott or Fournier, as applicable;

b) The document is a true and authentic copy of what it purports to be;

c) The document was created routinely in the ordinary course of business by an employee or employees of Abbott or Fournier, as applicable;

d) The document was created by a person or by persons who had personal knowledge of the subject matters contained therein;

e) The document was generated or received in the normal course of business of Abbott or Fournier, as applicable;

f) The document was maintained as a business record by Abbott or Fournier, as applicable;

g) The document meets the requirements of Rule 803(6) of the Federal Rules of Evidence;

h) The document is admissible at trial and other court proceedings in these consolidated *TriCor Antitrust Litigation* actions.

REQUEST FOR ADMISSION NO. 2:

For each document listed in Attachment A as to which you do not admit that it is a true and authentic copy of what it purports to be: (i) identify the document; (ii) state why you do not admit that it is a true and authentic copy of what it purports to be; and (iii) identify the persons who have information or knowledge on the subject.

REQUEST FOR ADMISSION NO. 3:

For each document listed in Attachment A as to which you do not admit that it was created routinely in the ordinary course of business by an employee or employees of Abbott or Fournier, as applicable: (i) identify the document; (ii) state why you do not admit that it was created routinely in the ordinary course of business by an employee or employees of Abbott or

Fournier, as applicable; and (iii) identify the persons who have information or knowledge on the subject.

REQUEST FOR ADMISSION NO. 4:

For each document listed in Attachment A as to which you do not admit that it was created by a person or by persons who had personal knowledge of the subject matters contained therein: (i) identify the document; (ii) state why you do not admit that it was created by a person or by persons who had personal knowledge of the subject matters contained therein; and (iii) identify the persons who have information or knowledge on the subject.

REQUEST FOR ADMISSION NO. 5:

For each document listed in Attachment A as to which you do not admit that the document was generated or received in the normal course of business of Abbott or Fournier, as applicable: (i) identify the document; (ii) state why you do not admit that the document was generated or received in the normal course of business of Abbott or Fournier, as applicable; and (iii) identify the persons who have information or knowledge on the subject.

REQUEST FOR ADMISSION NO. 6:

For each document listed in Attachment A as to which you do not admit that the document was maintained as a business record by Abbott or Fournier, as applicable: (i) identify the document; (ii) state why you do not admit that the document was maintained as a business record by Abbott or Fournier, as applicable; and (iii) identify the persons who have information or knowledge on the subject.

REQUEST FOR ADMISSION NO. 7:

For each document listed in Attachment A as to which you do not admit that the document meets the requirements of Rule 803(6) of the Federal Rules of Evidence: (i) identify the document; (ii) state why you do not admit that the document meets the requirements of Rule 803(6) of the Federal Rules of Evidence; and (iii) identify the persons who have information or knowledge on the subject.

REQUEST FOR ADMISSION NO. 8:

For each document listed in Attachment A as to which you do not admit that the document is admissible at trial and other court proceedings in these consolidated *TriCor Antitrust Litigation* actions: (i) identify the document; (ii) state why you do not admit that the document is admissible at trial and other court proceedings in these consolidated *TriCor Antitrust Litigation* actions; and (iii) identify the persons who have information or knowledge on the subject.

Dated: September 29, 2006

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ATTACHMENT A

Abbot/Teva07112-88
Abbott/Teva06635-62
Abbott/Teva10389-90
Abbott_Tricor_IDS_001
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Exhibit 4

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ABBOTT LABORATORIES, an Illinois corporation, FOURNIER INDUSTRIE ET SANTÉ, a French corporation, and LABORATOIRES FOURNIER S.A., a French corporation, Plaintiffs, v. IMPAX LABORATORIES, INC., a Delaware corporation, Defendant.	Civil Action No.: 03-120 (KAJ) (Consolidated)
IMPAX LABORATORIES, INC., a Delaware corporation, Counterclaim Plaintiff, v. ABBOTT LABORATORIES, an Illinois corporation, FOURNIER INDUSTRIE ET SANTÉ, a French corporation, and LABORATOIRES FOURNIER, S.A., a French corporation, Counterclaim Defendants.	

FOURNIER'S RESPONSE TO IMPAX'S FIRST ANTITRUST SET OF REQUESTS FOR ADMISSION TO COUNTERCLAIM DEFENDANTS (NOS. 1-142)

Pursuant to Rules 26 and 36 of the Federal Rules of Civil Procedure and Local Rule 26.1, defendants Fournier Industrie et Santé and Laboratoires Fournier, S.A. (collectively "Fournier") hereby jointly object and respond to Impax Laboratories, Inc.'s ("Impax") First Antitrust Set of Request for Admission to Counterclaim Defendants ("First RFA").

General Objections

Impax's First RFA is one of several very similar multi-part discovery requests recently served by plaintiffs that apparently seek, among other things, (i) to authenticate hundreds of documents produced by Abbott and Fournier, and (ii) to establish various predicates to overcome possible hearsay objections.[1] All of these requests are unnecessarily burdensome. The sheer quantity of the requests, magnified by the breadth of each request, is burdensome. Moreover, Impax and the other plaintiffs appear to have made a wholesale and indiscriminate selection of documents to be the subject of their requests; and the requests indiscriminately seek broad information as to these documents even though such broad information cannot possibly be needed or relevant in all instances (even if the documents themselves were all relevant). Moreover, some requests ask for the identification of authorship of handwritten notes when the authorship does not appear to have any particular relevance to this action. To the extent Impax and the other plaintiffs seek to establish the authenticity of any trial exhibits or resolve particular hearsay objections, there are other less burdensome and more efficient ways to proceed.

Accordingly, Abbott and Fournier object to Impax's First RFA on the grounds that it is unduly burdensome and requests information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. These objections are asserted without prejudice to the customary practice of an agreement between the parties that various documents, in the absence of a genuine question as to authenticity or evidence to the contrary, will be

[1] Other such similar requests include Teva's First Set of Requests for Admission (putting approximately 25 documents at issue), Direct Purchaser Plaintiffs' First Set of Requests for Admission (putting approximately 233 documents at issue), and Indirect Purchaser Plaintiffs' First Request for Admissions from Defendants (putting approximately 349 documents at issue).

deemed authentic, such as a party's documents produced from its files or documents that otherwise appear from their face to be authentic. Towards that end, Abbott and Fournier are prepared to discuss the terms of the usual bi-lateral stipulation and also work with Impax and the other plaintiffs to resolve issues concerning any particular documents as to which there may be some reason to question their authenticity. Moreover, although each identified intended trial exhibit may have to be examined on a case-by-case basis, there are customary stipulations the parties can discuss that may resolve a variety of possible hearsay objections, without premature resort to this unnecessarily burdensome discovery request.

In addition, Fournier incorporates by references its general objections to the Definitions and Instructions set forth in Defendant Impax Laboratories, Inc.'s First Set of Interrogatories to Plaintiffs, served May 7, 2003, as if fully stated herein.

Specific Objections and Responses

RESPONSE TO REQUEST FOR ADMISSION NOS. 1-130:

Apart from and without waiving the General Objections noted above, to the extent a separate objection and response is required with respect to each specific request, Abbott and Fournier respond to each as follows: Denied, subject to further discussion among the parties.

REQUEST FOR ADMISSION NO. 131

Admit that none of the counterclaim defendants, nor anyone on behalf of any of the counterclaim defendants, tested Impax fenofibrate tablets prior to January 30, 2003.

RESPONSE REQUEST FOR ADMISSION NO. 131:

In addition to its General Objections, Fournier objects to this request as calling for information subject to attorney-client privilege, work product doctrine, and/or information

Exhibit 5

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May 3, 2007

VIA EMAIL

Asim Bhansali, Esq.
Keker & Van Nest
710 Sansome Street
San Francisco, CA 94111

RE: In re Tricor Antitrust Litigations

Dear Asim:

As you know, Magistrate Judge Thynge has scheduled a conference for May 9 regarding the two discovery issues raised in your April 19 letter brief. We believe that the parties can resolve the issues, and a conference with Judge Thynge will be unnecessary. We ask that all parties meet and confer as soon as possible on both issues.[1]

In advance of a conference, we ask that plaintiffs consider our proposed language for a stipulation regarding authenticity of documents, set forth in our February 22, 2007, letter (*see* attached). If you find it objectionable, then propose alternative language acceptable to all plaintiffs and we will discuss your proposal during our meet and confer. Magistrate Judge Thynge expected us to negotiate a stipulation, and we see no impediment to doing so.

---

[1] Near the end of the April 20 hearing, Judge Thynge said, "I do expect, though, the parties to address the other issues that were brought up at the beginning of this and enter into some type of stipulation and get those resolved." Telephone Conference Before Honorable Mary Pat Thynge (April 20, 2007), Tr. at 29-30.

I believe we can and should avoid burdening the Court with these two issues next week. Please let me know all plaintiffs' availability for a call preferably on May 4, or, if that does not work, May 7.

Very truly yours,

Tara L. Reinhart

cc: All Counsel of Record

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February 22, 2007

VIA EMAIL & U.S. MAIL
Asim Bhansali
Keker & Van Nest, L.L.P.
710 Sansome Street
San Francisco, CA 94111-1704

RE: *Abbott Laboratories v. Impax Laboratories, Inc.*, C.A. 03-120 (D. Del.) (consolidated)

Dear Asim:

I write to follow-up on your inquiry regarding the document authentication issues.

As we have previously discussed, defendants are amicable to a bi-lateral stipulation that would cover the authentication issues for the documents produced in this litigation. Because there is no immediate trial date, we do not see any great urgency to resolve this issue today. That said, we would be happy to consider whatever language you would propose for the kind of stipulation contemplated. For example, we would be willing to consider a stipulation along the following lines:

> Any document that on its face appears to have been authored by an employee, officer or agent of a party or third party shall be deemed prima facie to be authentic, subject to the right of the party against whom such a document is offered ("Opposing Party") to adduce evidence to the contrary or to require that the offering

party provide authenticating evidence if the Opposing Party has a reasonable basis to believe the document is fabricated. Any objection to a document's authenticity must be made by the time of the Pretrial Conference.

Kind regards,

Bradley J. Demuth

cc: R. James Slaughter, Esq.
Anne S. Gaza, Esq.
Chad J. Peterman, Esq.
Mary B. Graham, Esq.
(*all via email*)

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ASIM M. BHANSALI
ABHANSALI@KVN.COM

February 27, 2007

VIA EMAIL

Bradley J. Demuth
Skadden, Arps, Slate, Meagher & Flom LLP
Four Times Square
New York, NY 10036

Re: *In re: Tricor Antitrust Litigation*

Dear Brad:

I write in advance of our meet and confer in the hopes of addressing a few issues that will make the meet and confer more efficient. I've raised a potential issue related to Skadden's prior representation of Impax with Tara Reinhart. That issue has not yet been satisfactorily resolved. While I'm happy to have today's meet and confer while that issue remains pending, we can only proceed if you agree that doing so does not waive any rights Impax may have with respect to that prior representation. Moreover, before we can go much further along, we'll need to have that issue resolved. Tara indicated last week that she was going to call me back or ask Steve Sunshine to call me back. I await that call.

Based on your recent letter regarding Impax's RFAs, I assume we're at an impasse on this issue. First, we have outstanding RFAs that are unanswered. If you have a stipulation that defendants are willing to agree to in lieu of answering, then propose it. Your letter fails to commit to any position. Second, even the suggestion to which you don't commit only addresses authenticity, and fails to address business records and admissibility, which are also subjects of the RFAs. Third, the whole reason to serve the RFAs was so we would know what is objected to as we prepare the case for trial, but your proposal does not require objections to be raised before the pre-trial conference. I'm happy to meet and confer further with you on these issues tomorrow, but as it stands, I believe we're at an impasse.

Pete Valko is now represented by separate counsel. His counsel is Robert Katzenstein. You should contact Mr. Katzenstein directly about scheduling Mr. Valko's deposition. His phone number is 303-652-8400.

As you can see from the e-mail that John Vetter sent yesterday, we are awaiting a response from you on the issue of non-privileged testing in the capsule case. Unless this can be resolved this week, we'll assume there's an impasse on this issue as well.

With regard to Greg Leonard's report, I direct you to my letter of January 9. I believe that letter addresses the issues raised in your recent correspondence.

I believe we can address the remaining issues you have raised tomorrow.

Sincerely,

ASIM M. BHANSALI

AMB/gap

cc: Robert J. Katzenstein
Mary Graham
Anne Shea Gaza
Chad J. Peterman

Exhibit 6

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May 7, 2007

VIA EMAIL

Asim Bhansali, Esq.
Keker & Van Nest
710 Sansome Street
San Francisco, CA 94111-1704

RE: In re Tricor Antitrust Litigations

Dear Asim:

I write in response to your May 4, 2007, letter. We considered your counter-proposal to our proposed stipulation, and we suggest the language be revised slightly so that it also resolves your request for admissions regarding the requirements of Rule 803(6). We propose the following:

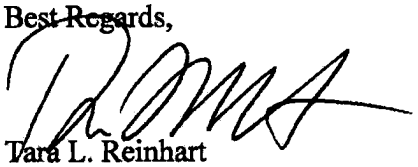
> Any document that has been produced from the files of a party (as indicated by the document's bearing a party's production prefix) in either the patent or antitrust phase of these actions shall be deemed prime facie authentic, subject to the right of that party or the party against whom such a document is offered to adduce evidence or make argument to the contrary. Any document that appears to have been authored by a party also shall be deemed a "business record" that meets the requirements of Rule 803(6) of the Federal Rules of Evidence, subject to the right of that party or the party against whom such a document is offered to adduce evidence or make argument to the contrary.

> Any objection to a document's authenticity, or the business-record status of a document apparently authored by a party, must be made no later than the Final Pretrial Conference. A denial of a document's authenticity or business-record status by counsel or by one or more witnesses of a party against whom the document is offered, without further corroboration or circumstantial indicators of non-authenticity or business-record status, shall not be a valid basis for objecting to authenticity or business-record status. In the event any party raises an objection to authenticity or business-record status in its reply papers on a motion for summary judgment, the non-moving party shall be entitled to submit a sur-reply addressing solely the objection to authenticity or business-record status.

We will agree to enter into this revised stipulation if all plaintiffs also agree to the language and agree not to pursue further responses to requests for admission.

We are scheduled to meet and confer tomorrow at 1:30 p.m. EDT on both issues addressed in your May 7, 2007, letter brief. I spoke with Adam Steinfeld earlier today, and he is amendable to participating in a call. We ask that all plaintiffs coordinate participation in this conference and that whoever participates have authority to bind all plaintiffs on both discovery issues. I will circulate a call-in number tomorrow morning.

Best Regards,



Tara L. Reinhart

cc: All Counsel of Record